


MEMORANDUM

Agenda Item No. 5 (C)

TO:	Honorable Vice Chairwoman Audrey M. Edmonson and Members, Board of County Commissioners	DATE:	December 18, 2012
FROM:	R. A. Cuevas, Jr. County Attorney	SUBJECT:	Ordinance pertaining to annexations; prohibiting the filing, consideration, approval, or submission to the electorate for a required vote of current or future annexation requests that divide a census tract; creating Section 20-4.2 of the Code

The accompanying ordinance was prepared and placed on the agenda at the request of Prime Sponsor Senator Javier D. Souto.



R. A. Cuevas, Jr.
County Attorney


RAC/jls

Memorandum

MIAMI-DADE
COUNTY

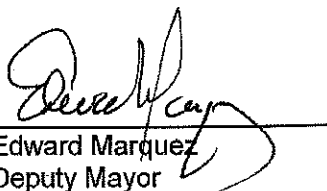
Date: December 18, 2012

To: Honorable Vice Chairwoman Audrey M. Edmonson
and Members, Board of County Commissioners

From: Carlos A. Gimenez
Mayor 

Subject: Ordinance Pertaining to Annexations Creating Section 20-4.2 of the Code

The proposed ordinance prohibits the filing, consideration, approval, or submission to the electorate for annexation requests that divide a census tract. Implementation of this ordinance will not have a fiscal impact to the County.


Edward Marquez
Deputy Mayor

Fis2313



MEMORANDUM

(Revised)

TO: Honorable Vice Chairwoman Audrey M. Edmonson
and Members, Board of County Commissioners

DATE: December 18, 2012

FROM: R. A. Cuevas, Jr.
County Attorney

SUBJECT: Agenda Item No. 5 (C)

Please note any items checked.

- | | |
|-------------------------------------|---|
| <input checked="" type="checkbox"/> | "3-Day Rule" for committees applicable if raised |
| <input checked="" type="checkbox"/> | 6 weeks required between first reading and public hearing |
| <input type="checkbox"/> | 4 weeks notification to municipal officials required prior to public hearing |
| <input type="checkbox"/> | Decreases revenues or increases expenditures without balancing budget |
| <input type="checkbox"/> | Budget required |
| <input type="checkbox"/> | Statement of fiscal impact required |
| <input checked="" type="checkbox"/> | Ordinance creating a new board requires detailed County Mayor's report for public hearing |
| <input type="checkbox"/> | No committee review |
| <input type="checkbox"/> | Applicable legislation requires more than a majority vote (i.e., 2/3's ____, 3/5's ____, unanimous ____) to approve |
| <input type="checkbox"/> | Current information regarding funding source, index code and available balance, and available capacity (if debt is contemplated) required |

Approved _____ Mayor
Veto _____
Override _____

Agenda Item No. 5 (C)
12-18-12

ORDINANCE NO. _____

ORDINANCE PERTAINING TO ANNEXATIONS;
PROHIBITING THE FILING, CONSIDERATION, APPROVAL,
OR SUBMISSION TO THE ELECTORATE FOR A REQUIRED
VOTE OF CURRENT OR FUTURE ANNEXATION
REQUESTS THAT DIVIDE A CENSUS TRACT; CREATING
SECTION 20-4.2 OF THE CODE OF MIAMI-DADE COUNTY,
FLORIDA; PROVIDING SEVERABILITY, INCLUSION IN
THE CODE, AND AN EFFECTIVE DATE

WHEREAS, this Board desires to establish a fair and impartial policy for the annexation of unincorporated areas of Miami-Dade County and a policy prohibiting the annexing municipality from dividing a census tract in order to avoid a referendum vote of the affected community; and

WHEREAS, the Board desires to establish a policy whereby annexation petitions do not select high-value commercial parcels, institutions or roads, while excluding adjacent residential parcels within the proposed annexation petition thus avoiding a referendum vote of the residents of the unincorporated community affected by the annexation as required by the Miami-Dade Home Rule Charter; and

WHEREAS, the Board desires a comprehensive, holistic policy that requires an annexation petition that seeks to take a commercial or industrial parcel, or an institutional parcel containing an airport, university, hospital or other institutional use, or major roads fronting commercial property, to also include the immediately contiguous residential community in the process, so that those voters and residents impacted by the annexation can also vote on the future of their community; and

WHEREAS, such a policy would require annexation proposals to include the entire community within the census tract including all affected residents, and also including less valuable neighborhoods or parcels, along with the more valuable commercial, industrial or institutional parcels that comprise the targeted census tract,

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA:

Section 1. Section 20-4.2 of the Code of Miami-Dade County, Florida, is hereby created to read as follows:

Sec. 20-4.2 Prohibition on filing, consideration, approval, or submission to the electorate of annexation requests that divide a census tract.

Notwithstanding anything in this article to the contrary, no annexation request shall be filed, nor shall any filed request be heard, considered, approved, or submitted to the electorate for a required vote, where the boundaries of such annexation request would divide a census tract.

Section 2. This ordinance shall apply to any pending annexation request including an annexation request that has been approved by the Board of County Commissioners, but has not been approved by a required vote of the area to be annexed as of the effective date of this ordinance and to any annexation request filed after the effective date of this ordinance.

Section 3. If any section, subsection, sentence, clause or provision of this ordinance is held invalid, the remainder of this ordinance shall not be affected by such invalidity.

Section 4. It is the intention of the Board of County Commissioners, and it is hereby ordained that the provisions of this ordinance, including any sunset provision, shall become and be made a part of the Code of Miami-Dade County, Florida. The sections of this ordinance may

be renumbered or relettered to accomplish such intention, and the word "ordinance" may be changed to "section," "article," or other appropriate word.

Section 5. This ordinance shall become effective ten (10) days after the date of enactment unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

PASSED AND ADOPTED:

Approved by County Attorney as
to form and legal sufficiency:



Prepared by:



Craig H. Collier

Prime Sponsor: Sen. Javier D. Souto